

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Kenneth R. Bates,

Plaintiff,

v.

Sylvia Tawanda Vandroff, Trina Clarkson, Marolyn D. Vandroff, Elizabeth Kinder, Shardice Sharp, Brenda Robinson, Kylee Martin, Another Chance Publishing, ELI Solutions, LLC, and Another Chance to Bridge the Gap,

Defendants.

Case No. 4:17-cv-1838-SAL

ORDER

This matter is before the Court for review of the June 24, 2020 Report and Recommendation (“Report”) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.). In the Report, the Magistrate Judge recommends treating Plaintiff’s Motion for Summary Judgment, ECF No. 100, as a Motion for Default Judgment and granting the motion as to Defendant ELI Solutions, LLC, in the amount of \$400.00 in actual damages. *See* ECF No. 121 at 8. The Magistrate Judge further recommends ordering the return of all original materials Plaintiff submitted to ELI Solutions, LLC and dismissing the remainder of this action in its entirety.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1).

In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, Plaintiff’s Motion for Summary Judgment, ECF No. 100, which the Court construes as one for default judgment, is GRANTED as to Defendant ELI Solutions, LLC. Plaintiff is awarded \$400.00 actual damages, and ELI Solutions, LLC is hereby ORDERED to return all original materials submitted by Plaintiff to ELI Solutions, LLC. Plaintiff’s motion is DENIED as to all other defendants, and the remainder of this action is DISMISSED with prejudice.

IT IS SO ORDERED.

July 14, 2020
Florence, South Carolina

/s/Sherri A. Lydon
United States District Judge